

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
November 21, 2016**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on November 21, 2016.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

The following members were present: Mayor Martin; Councilmembers Johnson, Quigley, Springhorn and Wickstrom

**APPROVAL OF AGENDA**

**MOTION:** by Councilmember Johnson, seconded by Councilmember Quigley to approve the November 21, 2016 agenda as submitted.

**VOTE:**                                      Ayes -                      5                                      Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

There were none.

**COUNCIL COMMENTS**

**Mayor Martin:**

Positions are open on the Environmental Quality Committee, Human Rights Commission, Planning Commission, Public Safety Committee and the Economic Development Commission. This is a great way to become involved in the community, and anyone interested is encouraged to apply. Detailed information is on the City website. Applications are due by December 15, 2016.

The library will close November 23, 2016, and not reopen until January 28, 2017 when there will be a Grand Opening.

She expressed her gratitude to be re-elected as Mayor, and acknowledged newly-elected Councilmember Sue Denkinger, who was present and will be sworn in in January.

She announced that former Planning Commission member and chair, Rick Mons, passed away this past week. Services will be December 3, 2016.

**Councilmember Wickstrom:**

The Shoreview Northern Lights Variety Band will hold its Holiday Concert at Benson Great Hall on December 10, 2016. Tickets are available at the Community Center for \$13. The concert begins at 7:00 p.m. Carriage rides will be available in the parking lot before the concert.

**Councilmember Springhorn:**

There have been incidents of bullying and bigotry in Chippewa Middle School and Irondale High School in the last couple of weeks. Students have been telling other students that they will be deported, a wall will be built to keep them out, and the President-Elect does not like them. The school is handling the issue very well, but the issue is bigger than just in the school. There have been incidents across the country. He asked residents to join him in standing up to not allowing hatred and bigotry now or ever. Although no reports of these incidents have been in Shoreview, he urged residents to report any such activity to the Ramsey County Sheriff's Department.

**Councilmember Johnson:**

Congratulations to Steve Gallup who received the Citizen of the Year award. Thank you to Steve for all he does in the community.

The annual Evening With Friends fundraiser for the Shoreview Community Foundation will be December 1, 2016, at the Community Center. Councilmember Johnson has tickets available and invites anyone to join her table.

She expressed her appreciation at being re-elected to serve a second term and considers it an honor to serve as a Councilmember. She thanked residents for believing in her. It is important to give to the community in some way. She encouraged residents to also find ways to become active in the community.

**CONSENT AGENDA**

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Quigley to adopt the Consent Agenda for November 21, 2016, and all relevant resolutions for item Nos. 1, through 14:





representatives of these organizations expressed opposition to minimum pricing because it would place them at a competitive disadvantage with other retailers. Youth access would not be reduced because these products would be available at other locations. Further, it was noted that some lower priced cigar products not targeted to youth that should not be subject to a minimum price.

At a second meeting with the North Suburban Tobacco Compliance Project, the Council discussed and then requested staff to prepare an ordinance that would limit sales of flavored tobacco products to licensed tobacco shops. No one under 18 is allowed in licensed tobacco shops. The ordinance defines flavored tobacco products and limits sales only to tobacco shops. Flavored tobacco products do not include menthol, mint or wintergreen flavored cigars or other products. Statistics from trade publications indicate that approximately 95% of sales in convenience stores are cigarettes and only 5% are for flavored tobacco products.

Letters have been received both in support and in opposition to the proposed amendment. Opposition was expressed by the National Association of Tobacco Outlets and the Minnesota Service Station Convenience Store Association. The City received letters of support from the City of St. Paul and the Association of Non-Smokers in Minnesota. Both Minneapolis and St. Paul have adopted similar ordinances. There has not been a reduction of tobacco vendors as a result of the ordinance. Staff is recommending approval of the ordinance amendment.

Mayor Martin opened the discussion to public comment.

Mr. Tom Briant, President, National Association of Tobacco Outlets, stated that he has submitted two letters to the Council requesting a meeting between retailers and the City's Business Retention and Expansion group. No response was received. At this time he again requested such a meeting and postponement of action on the proposed amendment. Also, letters were sent requesting personal meetings with Councilmembers to discuss concerns. Again, there was no response. The ordinance would prohibit sale of as many as 80 tobacco products that would have to be removed from store shelves, which would be a significant impact. The St. Paul ordinance has been in effect approximately seven months. It takes about a year to determine financial impact so it is too soon to draw any conclusion from the enactment of St. Paul's ordinance. Mr. Briant stated that his organization fully supports prohibiting youth access to flavored tobacco products. There is no evidence to support that banning sale of flavored tobacco products results in reduced use by youth. The ordinance would not reduce youth access and use. All compliance checks done on Shoreview vendors are 100% in compliance. The ordinance does not address social sources. The FDA issued a study, Population Assessment of Tobacco and Health (PATH), found that 80% of youth who use tobacco get products from social sources—siblings, friends, parents, strangers. The Minnesota Department of Health recently issued initial findings from a student survey which shows 24.6% of 11th

graders doing alcohol on a monthly basis. Only 6.2% smoke a cigar on a monthly basis. He showed examples of flavored tobacco and alcohol products. He does not understand why the City would ban sales of flavored tobacco products and not flavored alcohol products. Both are adult-only products that are being treated disparately. The ordinance would allow the products to be sold only in a tobacco licensed store. That is unfair and arbitrary. Vendors are selling the products to adults in a responsible manner.

Dr. Mark Eggen, 5980 Robin Oak Court, stated that he is a physician and public servant serving on the Minnesota Board of Medical Practice. The mission of the medical board is the health and safety of the public. Tobacco is one of the big problems in public health. It is his perception that tobacco companies are looking to attract youth to their products. At a gas station he was able to purchase flavored cigars for \$1.69, not \$10. Anything that can be done to minimize use of tobacco is a good thing. In his career he has noticed fewer end-stage lung disease patients, which he attributes to less tobacco consumption. Nicotine tobacco will not go away, but one thing that can be done is minimize its consumption.

Ms. Siobhan Ehle, 522 Lake Ridge Drive, stated that as a parent she is struck by the amount of exposure her 8- and 5-year-old children have had to tobacco products. Her concern is that access normalizes use of tobacco products and increases risks to children. The tobacco industry spends millions of dollars to market products to children in order to expand their consumer base and get life-long customers. Packaging and flavors are direct attempts to appeal to children. Shoreview has been a leader in tobacco prevention, but tobacco is still a leading cause of death in the City. She requested limiting view of any tobacco products targeting children. She requested the Council support the proposed ordinance.

Ms. Gene Nichols, 5910 David Court, stated that he serves on the Shoreview Human Rights Commission and the Ramsey County Public Health Advisory Committee. Shoreview has been a leader and it is time to take another step to restrict the sale of flavored tobacco products. The federal government banned fruit and candy flavored cigarettes but left it to local governments to address e-cigarettes and flavored cigars. Cigarettes make up 95% of tobacco sales. The remaining 5% is from other tobacco products. The ordinance deals with less than 2% of tobacco products which are directly targeted at youth. There will be minimal economic impact on vendors. He requested Council support for the ordinance.

Ms. Megan McFarland, 5667 Eric Lane, stated she is a junior at Mounds View High School. She is on the swim team, involved in youth and government and an officer of the Volunteer Club. Approximately half of her friends use tobacco. All of those use flavored tobacco products. The candy-like flavor disguises the true danger of these products, although as a teen who loves chocolate and sweets, she admits she, too, is attracted to these products. Some of her friends who use tobacco products consider her a

“snitch” for ruining things for them. While that does not hurt her feelings, it does make sad because her friends are being brainwashed by tobacco companies who make their products cool and seem harmless to use. Smoking these little harmless cigarillos is a leading cause of death and disease. Just one smoke leads to life-long addiction. Reducing the visibility can reduce the appeal of these products and protect teens from these deadly products. She showed a stack of signed postcards from classmates who also support the ordinance. She thanked the Council for taking the health of young people so seriously.

Mr. Mark Olgren, stated that his company owns the Circle K on Rice Creek Parkway. This ordinance will hurt his business and is not necessary. Customers who buy flavored tobacco products also buy gas and other goods from his store. His competitor is nearby on the border of Shoreview. His customers will go there to get tobacco products and the other goods they would otherwise buy from him. This year he paid \$51,000 in taxes. The ordinance is unnecessary. It is not legal to sell this product to underage consumers. Compliance checks are being met. Employees are trained and his company does their own third party compliance checks. If internal compliance is not met, employees are sent through training a second time. If compliance is still not met, the employee is terminated. At the meeting he attended, systems for age identification were discussed. He is surprised the ordinance has come to this level. The Council needs to listen to businesses on this issue.

Ms. Marsha Soucheray, 5355 Hodgson Road, commended the young people who are not voters and have taken the time to come and speak on their own behalf. The tobacco industry knows it is important to have young people start smoking. Patients of her physician husband have told him that it is harder to quit smoking than to quit hard drugs. It is a serious addiction that causes health issues for the long term. Everyone who becomes ill from tobacco products is a cost to all in the health care system. It is true, as the tobacco industry states, that it is adults who purchase the flavored products and give them to youth. She commends Shoreview businesses for passing the compliance checks, but this is not keeping the products out of the hands of young people through social sources. Limiting sales to adult only stores will keep advertising away from young people and promotion of these products out of their sight. When she was on the City Council, there was a similar issue and the Council did the right thing by making the product harder to purchase. She requested the Council again do the right thing and support this ordinance.

Councilmember Springhorn noted that in October 2015, Ramsey County conducted compliance checks and four vendors failed at that time. Again in April 2016, one vendor failed a compliance check by Ramsey County. This ordinance does not ban sales but limits sales to tobacco stores. He is not aware that convenience stores sell flavored liquor. The comparison made with alcoholic products does not hold up.

Mayor Martin stated the Business Retention and Expansion Program includes all Councilmembers who go to business visits with the Economic Development Commission. She did not respond to the request for a meeting with tobacco vendors because there had been meetings, and this meeting is an opportunity for vendors to speak to the Council.

Councilmember Quigley stated that the Council has received documentation and information from the business community and associations supporting the ordinance. There is a tremendous burden on parents. The sale of this product needs to move toward the restricted sales proposed by the ordinance.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to approve Ordinance 946, an Ordinance Amending City Code 706, Tobacco Products.

Discussion:

Councilmember Wickstrom stated that her grandfather was a life-long smoker and taught that it was his hope she and others in her family would never start the habit. It is a strong addiction. If her vote saves one person from the miserable death he suffered that was caused mostly by tobacco, then she is proud to make this vote.

Councilmember Johnson stated that there is a commitment to health in Shoreview. She commended Megan for speaking and thanked her for taking the time. Vaping is another form of use that is a gateway into tobacco use. She fully supports any ordinance that prevents youth tobacco use. She recognizes the business element and would be interested in knowing the percentage of tobacco sales in Shoreview compared to neighboring cities, which she believes would be smaller based on the emphasis on health in Shoreview.

Mayor Martin acknowledged the legitimate concern of Mr. Olgren who sees his competition benefitting from this ordinance at his expense. She would like to see both the County and State take similar action. Then everyone would be on a fair playing field. She hopes many communities follow Shoreview's example. Having surveyed her grandchildren, they all agreed that having to go into a restricted tobacco shop would be the most effective way to prevent youth from gaining access to these products.

Councilmember Springhorn noted a survey of young adults done by the National Center for Biotechnology Information shows that youth of color are more likely to use these products. The National Cancer Institute has stated that African-Americans have the highest rate of lung cancer caused by smoking. The fact that minority communities are targeted makes him want to support the ordinance. He encouraged letters from businesses urging passage of a similar ordinance in neighboring cities.

Councilmember Quigley suggested finding out the appropriate time line for the ordinance to take effect in light of businesses needing to sell inventory and stop supplies.

Mr. Schwerm suggested passing the ordinance. Staff will then draft an ordinance summary for publication that will be brought to the Council with a suggested time frame for adoption.

Mayor Martin stated that it would be onerous to businesses to not include a date of implementation.

Councilmember Wickstrom stated that the ordinance should the not be prolonged further.

It was consensus of the Council for the ordinance to take effect February 1, 2017.

ROLL CALL:       Ayes: Quigley, Springhorn, Wickstrom, Johnson, Martin  
                      Nays:

Mayor Martin thanked all who participated and sent letters and postcards and were involved.

**ADJOURNMENT**

**MOTION:** by Councilmember Johnson, seconded by Councilmember Springhorn to adjourn the meeting at 8:14 p.m.

**VOTE:**                       **Ayes - 5**                       **Nays - 0**

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 5<sup>th</sup> DAY OF DECEMBER, 2016.

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Terry Schwerm  
City Manager